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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, NORTHERN DIVISION

PHILLIP M. ADAMS & ASSOCIATES,
L.L.C., a Utah Limited Liability Company,

Plaintiff,

vs.

SONY ELECTRONICS
INC., et al.,

Defendants.

**SONY'S STATEMENT REGARDING
MATTERS INVOLVING SONY THAT
REMAIN TO BE RESOLVED IN THIS
ACTION**

Civil No. 1:05-CV-64

The Honorable Ted Stewart
Magistrate Judge David Nuffer

And Related Third-Party Claims

Pursuant to the Court's January 13, 2011 Order¹, Sony submits the following statement regarding matters that remain to be resolved. This statement addresses the pending claims Sony has against ASUSTeK Computer, Inc. and ASUS Computer International (collectively "ASUS") and ITE Tech., Inc. ("ITE") in this action. These claims are set forth in Sony's amended third-party complaint against ASUS and ITE filed on January 12, 2007.²

Sony's amended third-party complaint asserts claims for indemnification and contribution against ASUS. Pursuant to an agreement between the parties, the Court bifurcated the claims among Sony, ASUS and Winbond from the claims of Plaintiff and ordered discovery and trial of the indemnity claims among Sony, ASUS and Winbond to take place "after adjudication of Plaintiff's claims."³

Sony's amended third-party complaint also asserts claims for contribution against ITE. ITE waived service of Sony's summons and complaint, but failed to answer or otherwise respond to Sony's complaint.⁴ Sony subsequently moved for entry of default.⁵ On May 30, 2007, the Clerk of the Court entered a default under Rule 55(a).⁶ ITE has not responded to this default.

Sony believes that the schedule for its claims against ASUS and ITE should be determined after the Court resolves ITE's defense of lack of personal jurisdiction with respect to Plaintiff's claims against ITE. Consequently, Sony agrees with Plaintiff, ITE, ASUS, and Winbond that the parties should "meet and confer within 30 days of any decision finding personal jurisdiction over ITE in order to agree on a schedule for completing discovery and

¹ Docket No. 1878.

² Docket No. 226 (Amended Third-Party Complaint for Indemnification and Contribution).

³ Docket No. 1150.

⁴ Docket No. 1643 (Memorandum Decision And Order Denying ITE's Motion To Set Aside The Clerk's Entries of Default As To ITE And To Dismiss Plaintiff's Claims Against ITE).

⁵ *Id.*

⁶ Docket No. 291.

pretrial preparation on all other issues” as set forth in Paragraph 4d of the Attorney’s Planning Meeting Report filed by Plaintiff, ITE, ASUS, and Winbond on today’s date.⁷

DATED: January 19, 2011

Respectfully submitted,

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

By Todd M. Briggs
Attorneys for Third-Party Plaintiff Sony
Electronics Inc.

⁷ Docket No. 1879.

CERTIFICATE OF SERVICE

I hereby certify that on January 19, 2011 I electronically filed: **SONY'S STATEMENT REGARDING MATTERS INVOLVING SONY THAT REMAIN TO BE RESOLVED IN THIS ACTION** with the Court and electronically served the same on counsel of record through the Court's ECF system.

/s/ Todd Briggs